

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANGELA HOLLAND,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-00898-JD
)	
MARTIN O'MALLEY,)	
Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Before the Court is United States Magistrate Judge Shon T. Erwin's Report and Recommendation ("R. & R.") [Doc. No. 12] issued on July 18, 2024.¹

Judge Erwin recommends that the Court affirm the final decision of Defendant. R. & R. at 1–2, 22. Judge Erwin advised Plaintiff of her right to file an objection to the R. & R. with the Clerk of Court by August 1, 2024, and explained that failure to timely object waives the right to appellate review of both factual and legal issues contained in the R. & R. *See id.* at 22–23 (citing 28 U.S.C. § 636, Fed. R. Civ. P. 72, and *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010)).

"[A] party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." *United States v. 2121 E. 30th St., Tulsa, Okla.*, 73 F.3d 1057, 1060

¹ This case was referred to Judge Erwin on December 11, 2023. [Doc. No. 6]. The record contains the Social Security Administration Record filed by Defendant [Doc. No. 4], and the parties' arguments in their briefs [Doc. Nos. 9, 11].

(10th Cir. 1996). By not objecting to a magistrate judge's report and recommendation, the parties waive their rights to challenge the legal and factual basis for the magistrate judge's decision. *See Ayala v. United States*, 980 F.2d 1342, 1352 (10th Cir. 1992) (holding that the plaintiffs "waived their right to appeal the magistrate's ruling" because they did not file any objections); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) ("Our waiver rule provides that the failure to make timely objection to the magistrate's findings or recommendations waives appellate review of both factual and legal questions.").

The record reflects that Plaintiff did not file an objection to the R. & R. by the deadline or request an extension of time to do so. Accordingly, the Court **ACCEPTS** the Report and Recommendation [Doc. No. 12] and **AFFIRMS** the decision of Defendant. A separate judgment in favor of Defendant will follow.

IT IS SO ORDERED this 6th day of August 2024.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE